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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,829	03/25/2004	Kathryn M. Wehner	P00880-US-00	9060
31835	7590	06/14/2005	EXAMINER	
RUSSELL E. FOWLER, II			LEE, Y MY QUACH	
ICE MILLER				
ONE AMERICAN SQUARE, BOX 82001			ART UNIT	
INDIANAPOLIS, IN 46282-0002			PAPER NUMBER	
			2875	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

11A

Office Action Summary

Application No.

10/808,829

Applicant(s)

WEHNER, KATHRYN M.

Examiner

Y Quach Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8 to 10, 13 to 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 3 to 7, 11, 12, 16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/25/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION***Claim Objections***

1. Claims 4, 6, 9 to 12 and 18 are objected to because of the following informalities: In claim 4, there is no proper antecedent basis for "the top" and "the bottom". They should be changed to --a top-- and --a bottom--. In claim 6, line 2, the term "are" is incorrect, in view of the previous term "each" on the same line, and should be changed to --is--. In claim 9, line 4, the term "are" is incorrect, in view of the previous term "each" on the same line, and should be changed to --is--. In claim 10, line 2, the term "are" is incorrect, in view of the previous term "each" on line 1, and should be changed to --is--. Claims 11 and 12 depend on objected claim 9 and as such are also objected. In claim 18, there is no proper antecedent basis for "the top" and "the bottom". They should be changed to --a top-- and --a bottom--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Hu.

Hu shows an automotive lamp assembly comprising a reflector (21) for reflecting light into a light beam, the direction of propagation of the light beam defining locations in front of the reflector, a light pipe (4) positioned in front of the reflector, a light source carrier (figure 2, the carrier for the light source) positioned behind the light pipe, and at least one light source (22) positioned on the light source carrier and arranged and disposed to emit light onto the reflector.

4. Claims 8 to 10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Natsume.

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Natsume shows an automotive lamp assembly comprising a reflector (14) including a plurality of facets (14s), each of the facets having a distinct focal point (paragraph 0037, line 8), a plurality of light emitting diodes (12A), each of the diodes corresponding to one of the facets (paragraph 0036, lines 4 to 6), positioned substantially at the focal point of the facets and arranged to emit light onto the one of the facets, a light emitting diode carrier (18) having a front side and a rear side with the diodes located upon its rear side, the carrier positioned in front of the reflector and sufficiently close to each of the focal points such that each of the diodes is substantially located at one of the focal points, each of the diodes directly opposed to one of the facets of the reflector, and the facets positioned vertically upon the reflector (figure 1).

5. Claims 14, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al.

Ito et al. show an automotive lamp assembly comprising a plurality of light emitting diodes (2a, 2b, 7b) arranged and disposed to direct light in a direction substantially opposite a forward direction (figures 2 and 3), a reflector (3) arranged and disposed to receive light from the diodes and reflect the light in the forward direction thereby forming the light beam, a light emitting diode carrier (figures 1 to 3) positioned in front of the reflector such that each of the diodes is positioned upon the carrier, and the reflector comprising a plurality of facets (31a) positioned vertically upon the reflector (figures 1 and 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hu.

Hu discloses the invention substantially as claimed with the exception of having the light source comprised of a plurality of light emitting diodes.

Note that it is old and known that incandescent, fluorescent, halogen and light emitting diode light sources are interchangeable and/or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the light emitting

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diodes in place of the light source of Hu to not only enhance intensity, reliability and longevity of the light source but also to reduce power consumption.

8. Claims 3, 5, 7 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 4, 6, 11, 12 and 18 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

English et al. is cited to show other pertinent automotive lamp assembly having light emitting diodes and facets with heat sink and reflector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y.Q.
June 7, 2005


Y Quach Lee
Patent Examiner
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